

Docket No.: 101896-245
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Nam T. Chao et al.

Application No.: 10/709,019

Filed: April 7, 2004

For: SPINAL CROSS-CONNECTORS

Confirmation No.: 3018

Art Unit: 3732

Examiner: D. Bonderer

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I hereby certify that this correspondence is being deposited via facsimile no. (703) 872-9306 to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

December 10, 2004

Date of Signature and Mail Deposit

By: William C. Geary III
Reg. No: 31,359**RESPONSE TO ELECTION REQUIREMENT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the office action mailed November 10, 2004.

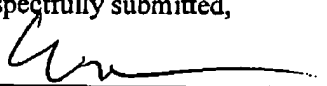
The Examiner has identified five allegedly patentably distinct species and has requested that Applicants elect one species for continued prosecution. The identified species are:

- A. Figs. 1-3B
- B. Figs. 4A-6B
- C. Fig. 7
- D. Figs. 8A and 8B
- E. Fig. 9

Applicants hereby elect species A, represented by Figures 1-3B. The claims that read on this species are claims 1-6, 8-13, 15-34, 36-50. The Examiner has previously indicated that claim 1 is generic. Applicant submits that claims 37 and 41 are likewise generic.

Date: December 10, 2004NUTTER MCLENNEN & FISH LLP
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Respectfully submitted,

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